



11-24-06
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Yunping Luo, *et al.*)
Application No. 10/574,752)
Filed: April 6, 2006) Art Group: Not Yet Assigned
For: DNA VACCINES AGAINST TUMOR GROWTH AND METHODS)
OF USE THEREOF) Examiner: Not Yet Assigned
) Attorney Docket No.: **TSRI 986.1**
)

RESPONSE TO NOTICE OF MISSING REQUIREMENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This document is in response to the Notice of Missing Parts dated September 27, 2006 in the above identified application.

The Notice alleges that the Declaration is defective because it was not executed in compliance with either 37 C.F.R. 1.66 (Rule 66) or 37 C.F.R. 1.68 (Rule 68). This allegation is erroneous. Since the document submitted with the application is a declaration, and not an oath, Rule 66 is inapplicable. Only Rule 68 applies in this case.

Rule 68 states:

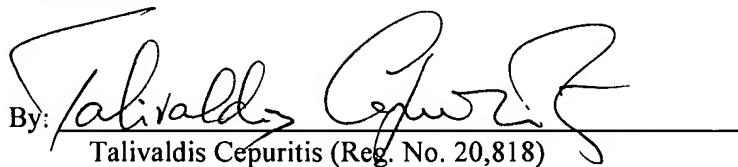
Any document to be filed in the Patent and Trademark Office and which is required by any law, rule, or other regulation to be under oath may be subscribed to by a written declaration. Such declaration may be used in lieu of the oath otherwise required, if, and only if, [1] the declarant is on the same document, warned that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. 1001) and [2] may jeopardize the validity of the application or any patent issuing thereon. The declarant must set forth in the body of the declaration [3] that all statements made of the declarant's own knowledge are true and that all statements made on information and belief are believed to be true. (Bracketed numbering added for clarity).

As indicated above, Rule 68 has three main requirements, all of which are met in the present case. The declaration submitted with the application [1] warns the applicants that willful false statements and the like are punishable by fine or imprisonment, or both under 18 U.S.C. 1001, and [2] that such willful false statements may jeopardize the validity of the application or any patent issuing thereon (see page 2 of the declaration in the paragraph just above the name of the first inventor). The declarant also declares [3] that all statements made of the declarant's own knowledge are true and that all statements made on information and belief are believed to be true (see page 2 of the declaration in the paragraph just above the name of the first inventor). The declaration is signed and dated by each named inventor, as well. Accordingly, the declaration submitted with the application meets all requirements of the Rules. A copy of the executed declaration is attached hereto.

The Notice also indicated that a Computer Readable Form (CRF) of the sequence listing for this case must has not yet been submitted. In response, a CRF of the sequence listing is being transmitted concurrently herewith, along with a statement verifying that the content of the CRF is identical to the paper copy of the sequence listing submitted with the application. No new matter is added by the CRF.

Submitted herewith is a copy of the Notice. Applicants submit that no surcharge is due in this case, since the declaration submitted with the application was in compliance with the Rules. Should the Office determine otherwise, the Commissioner is hereby authorized to charge any additional fees that may be due or deposit any overcharges to our Deposit Account No. 15-0508.

Respectfully submitted,

By: 
Talivaldis Cepuritis (Reg. No. 20,818)

OLSON & HIERL, LTD.
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UNITED STATES PATENT AND TRADEMARK OFFICE



10
Docket

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1430
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/574,752	Yunping Luo	TSRI9861

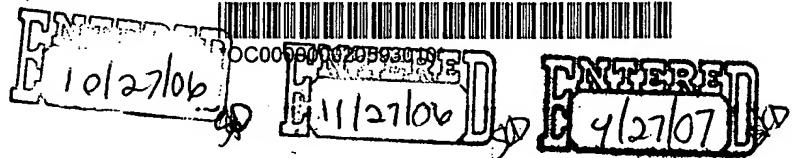
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CONFIRMATION NO. 2531
371 FORMALITIES LETTER



Date Mailed: 09/27/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 04/06/2006
- Copy of the International Search Report filed on 04/06/2006
- Oath or Declaration filed on 04/06/2006
- Biochemical Sequence Listing filed on 04/06/2006
- Request for Immediate Examination filed on 04/06/2006
- U.S. Basic National Fees filed on 04/06/2006
- Priority Documents filed on 04/06/2006
- Specification filed on 04/06/2006
- Claims filed on 04/06/2006
- Abstracts filed on 04/06/2006
- Drawings filed on 04/06/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130 Surcharge.**

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov**

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

LAMONT M HUNTER

Telephone: (703) 308-9140 EXT 201

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/574,752	PCT/US04/33137	TSRI9861